

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
	§	
v.	§	CR. NO.4:09-342-01
	§	
	§	
ROBERT ALLEN STANFORD	§	

**DEFENDANT ROBERT ALLEN STANFORD’S MOTION FOR
ACCESS TO ORIGINAL DOCUMENTS**

TO THE HONORABLE DAVID HITTNER, UNITED STATES DISTRICT
JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON
DIVISION:

COMES NOW Robert Allen Stanford (hereinafter “Mr.
Stanford” or “Defendant”), by and through his attorney of record, Robert S.
Bennett, and respectfully requests that he be allowed to inspect and review
original documents under the government’s possession, custody or control,
as further specified below. Furthermore, Mr. Stanford asks the Court to issue
an Order requiring the government to provide him with access to the
originals thereof.

Federal Rule of Criminal Procedure 16(a)(1)(E), provides that “Upon
a defendant’s request, the government must permit the defendant to inspect

and¹ to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies of portions of any of these items, if the item is within the government's possession, custody or control and (i) the item is material to preparing the defense, (ii) the government intends to use the item in its case-in-chief at trial, or (iii) the item was obtained from or belongs to the defendant.”² Based on the text of that provision, together with fundamental due process principles, it is imperative that the government be compelled to provide Mr. Stanford with the opportunity to analyze the originals of any and all Materials that may reasonably engender questions or concerns regarding authenticity, accuracy, legibility, etc.

To be sure, Mr. Stanford scarcely envisions a scenario in which he will seek to examine a majority of the Materials in question; it is virtually certain the totality of any requests that are communicated in this regard will be limited to a small percentage of the total universe of Materials. Further, as a means of guarding against a scenario in which the originals will be

¹ Recognizing that this mandate is framed in the conjunctive, prosecutors must not be allowed to “brush off” this motion by pointing to any copying or photographing accommodations that may have been previously extended – and then assert compliance with Rule 16(a)(1)(E). Fed. R. Crim. P.

² For purposes of promoting simplicity and clarity, this motion utilizes the term “Materials” so as to reference the full array of items listed in Rule 16(a)(1)(E).

comprised (or further comprised), Mr. Stanford will agree to an arrangement calling for the presence of an FBI agent.

With respect to the materials at issue, Mr. Stanford requests the issuance of an Order compelling the government to provide him with access to the originals thereof.

Respectfully submitted,

/s/ Robert S. Bennett
ROBERT S. BENNETT
Federal ID. No. 465
TBA No. 02150500
515 Louisiana St. Suite 200
Houston, TX 77002
713.225.6000
713.225.6001 (FAX)

Attorney for Defendant,
ROBERT ALLEN
STANFORD

CERTIFICATE OF CONFERENCE

On September 30, 2010, undersigned counsel was informed via email that AUSA Gregg Costa was opposed to this Motion.

/s/ Robert S. Bennett
ROBERT S. BENNETT

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2010, I electronically filed the foregoing with the Clerk of the Court, which will send notification of such filing to all registered parties.

/s/ Robert S. Bennett
ROBERT S. BENNETT

Attorney for Defendant,
ROBERT ALLEN STANFORD

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ORDER

Having considered Defendant Robert Allen Stanford's Motion For Access To Original Documents, the Court being fully advised, and good cause shown:

IT IS HEREBY ORDERED that Defendants' Motion For Access To Original Documents is **GRANTED**. The government must provide Mr. Stanford with access to the originals documents thereof.

SIGNED at Houston, TX, this _____ day of October, 2010.

Honorable Judge DAVID HITTNER